

# The Common Property Resource Digest

NO. 64 QUARTERLY PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF COMMON PROPERTY March 2003

This issue of the CPR Digest presents an all too rare feature: an CPR Forum catalyzed by IASCP members with an opinion to share. *Ajit Menon* and *Sharachchandra Lele* had an idea that they wanted to discuss. They felt that a recent article by *Arun Agrawal* contained some assumptions about both the nature of institutional success and the values held in common among commons scholars that needed clarification. They suggested that a CPR Forum would be a great place to hold such a discussion, and we are glad they did. Debates in the Digest are easier and less formal than in journals, so we hope that others who want to air their views on a commons-related topic will think of the CPR Forum. Arun graciously consented to address their critique, so his response rounds out this short Forum.

The brevity of the CPR Forum was made necessary by an extensive Regional Beat from Europe. We present a series of short articles pulled together by our guest Regional Editor *Tómas Ratering* dealing with the role of the commons in Eastern Europe's transition away from communist property systems. After a brief introduction, *Ivan Penov* presents a case from Bulgaria, *Adam Wasilewski* a case from Poland and *Veronika Malov, Jaroslav Praan* and *Tómas Ratering* a case from the Czech Republic. Then *Thomas Sikor* pulls the Regional Beat together with some general reflections.

The Regional Beat discussion gives us a tasty anticipation of the Regional Workshop in Prague coming up in April. For details on that Workshop and the five other IASCP-affiliated meetings currently in preparation, take a look at this issues' engorged announcements section starting on page 12. **Enjoy!**

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## CPR FORUM COMMENTARY

### Critiquing the Commons: Missing the Woods for the Trees?

**Ajit Menon and Sharachchandra Lele**

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Generally speaking, scholars of the commons have been concerned with understanding what makes institutions for the management of common-pool resources emerge and function successfully. In a recent contribution to *World Development*, Arun Agrawal begins by choosing institutional durability as a proxy for success and then makes essentially two points. First, he feels that we are some distance away from a comprehensive theory of what makes commons institutions durable. This is because we have paid little attention to how the large number of causal factors identified so far are linked to each other and also to key contextual factors such as demography, markets, state policies and resource characteristics. Second, he argues that the literature is clogged with case studies, whereas what is actually needed is comparisons across purposively chosen case studies and statistical analyses using large-N studies.

Agrawal's criticisms are important, but we believe that there are deeper issues. We are particularly concerned with Agrawal's notion of institutional success. Agrawal acknowledges that outcomes should really be measured in terms of efficiency, equity and [ecological?] sustainability. Yet, he uses the excuse that most studies do not explicitly measure these variables and the even more facile assumption that most commons scholars are implicitly concerned about all three aspects to justify his defining success simply in

# The Common Property Resource Digest

Published with support from  
the Ford Foundation

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terms of durability. Are the outcomes of institutions not more important than their persistence? Would two equally persistent institutions necessarily be identical in, say, the levels of social equity they generate?

The assumption that there is a shared set of values amongst scholars studying common-pool resource management is inaccurate. As we have argued at length elsewhere, there are at least three distinct strands in the natural resource management literature, broadly corresponding to which of the three values—efficiency, ecological sustainability and social equity—is of greater concern. One strand, which emerged as a direct response to Hardin's prediction of Tragedy and which is perhaps the dominant strand in the global commons literature, focuses on demonstrating that when win-win situations exist in the long-run, communities can and do self-organise. The notion of "success" here is thus more in the sense of Pareto efficiency: tragedies are averted, everybody is better off, but little reference is made to whether the distribution of benefits was fair. Farmers may cooperate in the maintenance of traditional or modern canal irrigation systems, but users at the head end often get the lion's share compared to those at the tail, and the landless get nothing at all. Self-initiated community forest management institutions can be equally insensitive to the needs of poor fuel wood head loaders or of women. Similarly, this mainstream commons literature is often too sanguine about ecological sustainability—use is assumed to be locally sustainable, and off-site effects are not on the table.

Another strand overlaps with the conservationist literature, which is primarily concerned about ecological sustainability. This is defined in two ways: sustaining the resource itself for current and future *local* users, and (perhaps more important but often less explicit) sustaining the flow of other benefits to *off-site* stakeholders, be they downstream farmers, urban wildlife lovers, or the global community concerned with climate change or biodiversity loss. Local-level common property institutions are considered appropriate either by those who believe that local communities are always keen on ecological sustainability or by those who consider it more efficient to involve local communities because of their superior ecological knowledge and proximity to the resource. Note that a significant fraction of the conservationists in fact do *not* hold these beliefs, and hence advocate strong state control over common-pool resources. And even those conservationists who believe in involving communities are generally not too concerned about intra-community inequities.

The third strand, perhaps more strongly articulated in developing countries, emphasises social equity. It explores aspects such as the extent to which common property institutions act as a buffer for the poorer sections of rural communities (e.g., Jodha's work in South Asia) or the manner in which community ownership may reduce the tendency towards accumulation and hence differentiation (e.g., the

*ejidos* of Mexico). This is not simply a matter of some studies paying greater attention to the “relationship between the poverty of the users and their levels of exploitation of common-pool resources”. Nor is it simply a case of looking at “heterogeneity” (a euphemism that confuses horizontal difference with vertical differentiation and exploitation) as a variable that affects institutional performance. Rather, Jodha and others started with a concern for poverty and equity, and explored whether and to what extent common property resources might offset the effects of an inequitable distribution of private agricultural landholding. From this perspective, the focus of the mainstream commons literature on Pareto-improving outcomes is greatly limiting. It would, for instance, ignore the possibility of distributing water equally across all households regardless of their landholding or physical location in the irrigation system—an approach actualised in the Pani Panchayat model in parts of central India. Similarly, the tendency to look at the “positive aspects” of “heterogeneity” is disturbing —again a case of privileging institutions over outcomes.

A recognition that scholars working on the commons do not in fact share common values is an important first step in better commons research. This should be followed by conscious incorporation of this wider set of values—efficiency, ecological sustainability and equity—in all assessments of institutions for common-pool resource management and in weighing alternative policy prescriptions regarding them. We should recognise that disagreements about which institutional arrangement works “better” are sometimes disagreements over objectives rather than over theoretical or empirical ones over the arrangement-outcome relationship. We would thus avoid being seen by the broader policy community as trapped in our own notions of desirable outcomes, and we would be able to reach audiences that hold different values

Using broader, multi-dimensional definitions does not, of course, finesse the problem of understanding factors responsible for success or failure. Here, Agrawal has rendered signal service by highlighting the need to abandon explanations based on single causes and to move towards those based on multiple causes. But this is easier said than done. Incorporating ‘market pressure’ and ‘population pressure’ as additional explanatory variables in hypothesising causal links and subsequent multiple regressions may be methodologically speaking a first step towards multi-causality. But such an atheoretical approach is not likely to take one very far. Markets don’t simply penetrate and populations don’t simply explode—there are likely to be reasons for these phenomena, some way in which micro actions can and do shape these macro factors. Similarly, states do not simply centralise or decentralise control over natural resources—the extent and manner are likely shaped by grassroots pressures as well as extra-local concerns. And it is not as if micro-

behaviour is completely explained by the theory of rational choice either! Competing explanations include cultural ones, such as eco-feminist theories of patriarchal behaviour and Gandhian ones about the debilitating effects of materialist pursuit.

Needless to say, “unifying” different social science theories is much harder than picking up a few variables from each and running a multiple regression. (We have hardly been able to achieve such unification in our own work!). But we believe that a concerted effort in this direction is long overdue. Such unification will not, however, happen as long as solving of specific puzzles posed by our narrow disciplines gains precedence over the big picture. The push for unification will only come when our analysis is tightly linked to real world outcomes, the complexity of which demands that we get out of disciplinary compartments and get back to our original enterprise of understanding how human society works. In this age of post-modern thinking, we are old-fashioned enough to believe that big theories matter; what is required is getting them out of their rigid boxes and merging them. The functioning of commons institutions would then have to be understood in, for instance, the larger context of changes in modes and relations of production, on which there is a rich and rigorous literature.

Another dimension of this integration is the incorporation of ecosystem characteristics and rigorous understanding of the natural sciences into our theories. Given that ‘common-pool’-ness of a resource is fundamentally a result of the physical attributes of “non-excludability” and “subtractibility”, the commons literature should give attention to how characteristics of the resource affect the ability of institutions to manage them, and create ‘demands’ for different kinds of institutions. Beyond Agrawal’s reference to mobility and storage characteristics, one must consider characteristics such as spatial and temporal variability, renewability, complexity, and biological and use-diversity.

One characteristic seems particularly important—one-way non-local externality. This is the effect of the unidirectional nature of many ecosystem processes such as flow of water in a river basin and wind-driven flow of air pollutants, or the patchy distribution of globally valued resources such as biodiversity. It results in local use of a resource affecting the well-being of communities that are located far away from it and that cannot participate in its use or modification. This characteristic provides a legitimate rationale for supra-local regulation of local use, and renders the “pure community control” position as meaningless as the “pure state control” one. The debate urgently needs to move towards how to structure a multi-layered system of governance.

In our efforts to refute Hardin, we seem to have mistaken the trees of local institutional durability for the woods of fundamental social concerns, viz., the efficiency, equity and ecological (and social) sustainability of outcomes. Using an



explicit but broad normative framework and integrating competing social science theories along with a rigorous ecological understanding will take us much further along the road to understanding and informing the social use of common-pool resources.

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# CPR FORUM RESPONSE

## Considering the Woods AND the Trees

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Menon and Lele's note about my 2001 *World Development* paper makes a useful point – that most studies of the commons tend to focus on questions of institutional persistence and ignore questions related to equity and distribution. It is a relatively normal-science criticism that they present as a novel argument. To the extent my paper represents the existing mainstream literature on the commons reasonably, Menon and Lele's attention to allocation is well justified. But this is hardly a new theme in critiques of writings on common property. Indeed, what Menon and Lele call "the mainstream literature on the commons" is such a sitting duck on issues of politics and distributional equity that it seems hardly fair to take aim at it in 2003 using this particular sling. Michael Goldman assertively made essentially the same point six years ago in a paper published in *Theory and Society*. I raise the issue in a somewhat different way – by talking about power and the ways commons scholars (do not) attend to it in their analyses – in a paper that appeared in *Contributions to Indian Sociology* at almost exactly the same time as the paper in *World Development*. I discussed the matter more directly in my 1999 book on pastoralists, *Greener Pastures*.

But the comparative review of commons studies in *World Development* in 2001 aimed at a different target. It tried to synthesize what we have learnt from two decades of writings on the commons. It compared major contributions to this body of knowledge that use distinct methods and differing strategies of analysis. It attempted to outline a way forward for the mainstream scholarship on the commons by taking its goals as given (existence and persistence of local resource management institutions) but demonstrating problems in the adopted means (case studies and relative inattention to context). Indeed, a systematic comparison of the different contributions to this literature along all or each of the incommensurate criteria of efficiency, equity, and (ecological) sustainability is not possible. To suggest that my recourse to the dimension of durability was "facile," or

tantamount to an "excuse" is to ignore the real problems in comparing the goals of the works I was considering. It is worrying to me that my paper's objective may not have come across clearly to my general readers. I should have been more explicit.

But what puzzles me in Menon and Lele's note is their recognition that the dominant theme in the commons literature is to explicate the conditions under which local users self organize and local institutions function, and their simultaneous attempt to take me to task for focusing on this dominant strand. The two other strands they mention are, according to them, in the "*natural resource management* literature," not the commons literature – I could not agree more. Indeed, I suspect that most of those they place as being located on the second and third strand of the natural resource management literature (emphasizing ecological sustainability and social equity) are likely to see themselves more as ecological economists, political ecologists, environmental feminists, social ecologists, and so on rather than theorists of the commons. And even some of those they cite as being concerned with questions of equity, such as Jodha, are at least also equally concerned about the survival of the commons. Such convenient glosses in thinking about different literatures and analysts detracts from the usefulness of Menon and Lele's critical note.

I am further at a loss by their nomination of questions of equity and other institutional outcomes as "deeper" and "fundamental" issues, and their reference to my focus on institutional persistence as "missing the woods for the trees." To the extent policies influence sustainability, distributional equity, or efficiency in use of resources, they do so through institutions. The existence of institutions is both logically and chronologically prior to their outcomes. Interest in institutional outcomes is meaningless without institutions. One may only be interested in outcomes of a certain sort, but for that interest to be relevant to policy and action, one needs to think about and explain institutional persistence, and the relationship between the persistence of certain institutional forms and their impact. Whatever the sort of outcome in which one is interested, one first has to think about the institutional arrangements that would promote it, and whether such institutional arrangements can be achieved on a durable basis. In contrast, one can be concerned about institutional persistence and its explanation as a research and policy objective without considering outcomes. Indeed, this is an important reason why it is possible to examine the wide literature on the commons by assessing its contribution to the problem of what makes institutions persist (as I did). If I were deeply and mainly interested only in particular kinds of outcomes and their correlation with institutional

form, then the range and number of works I need have investigated would necessarily have been smaller.

It is worth pointing out that the overall argument of my *World Development* paper applies with greater force to what Menon and Lele assert at the end of their note than they realize: their suggestion that we pay attention to the role of yet more variables in evaluating institutional outcomes. My paper argued that commons researchers, in their zeal to promote specific cases of commons management, have identified an impossibly large number of variables – impossibly large for systematic analysis. The factors I cited as being relevant to institutional persistence likely also have an impact on institutional outcomes. Menon and Lele assert the importance of several additional variables – complexity, renewability, use diversity, non-local externality. In so doing, they further compound the difficulties I identified without suggesting how one might systematically analyze the impact of forty-plus variables on outcomes.

Menon and Lele overstate their position when describing my paper's conclusion as an advocacy of statistical and comparative analysis. For one, I don't claim that rational choice provides a complete explanation of micro-behavior. Nor do rational choice scholars make such claims. The alternatives Menon and Lele cite – Gandhians and ecofeminists – hardly have a theory of micro-behavior. They have structuralist positions that are seldom tested against evidence regarding human behavior and are typically asserted as articles of faith. In a search of the social science citation index using the keywords "Gandhian," "ecofeminism," and "human behavior," I did not find a single article, let alone one that used evidence to substantiate Gandhian or ecofeminist explanations of human behavior. A similar search with "rationality" and "human behavior" yielded more than fifty articles. More importantly, my paper is less a plea for an atheoretical recourse to statistics and comparative case studies than an advocacy for careful thinking about causal links *prior* to research design and data analysis, and *subsequently*, testing of these causal links using analytical instruments such as statistics.

The last few paragraphs of Menon and Lele's note seem more a statement of populist stances than a reference to what I do or not do in my paper, or what commons scholars do or not do. One of the most prominent commons researchers, Elinor Ostrom, is already doing (and has been doing for more than a decade) what they suggest as important new directions for commons research – carrying out interdisciplinary research, thinking about structuring multi-level governance, and integrating ecological and social science theories. Menon and Lele might want to consider both the trees and the woods in rethinking the substance and the tone of their criticisms.

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## Introduction: The Eastern European Commons in Transition

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The core of reforms in Central and Eastern European countries was getting rid of obscure "people's" ownership and the inefficient "command economy". People's ownership was state ownership and the command economy was a hierarchical arrangement. Agriculture was to somewhat special: to a large extent, neither land nor the assets were nationalized, they were either collectivized (e.g. Czech republic, Bulgaria) or stayed private (Poland). Thus agricultural privatization included not only sales of state properties and restitution of nationalized titles, but also redistribution of collectively owned assets and full recognition of private property rights. Due to the pre-reform (communist) property rights regime the current ownership structure is very fragmented. The centralized command arrangement was gradually liberalized and decentralized in the early 1990s.

It soon became apparent that the nature of some assets and societal preferences would require other forms and arrangements of institutions than private ownership and markets. To contrast the initial reform ideas with a need for more complex co-ordination mechanisms we present results of three case studies provided within the Central and Eastern European Sustainable Agriculture Network (CEESA). The first contribution tackles the case of de-collectivized farming and need for cooperation when managing irrigation; the second one discusses the problem of decentralization and a lack of capacity of local administration to envisage long-term and large-scale consequences. The third case study concerns organization of the provision landscape and biodiversity on the likely abandoned land. The last contribution generalizes the results in lessons from the transition, focusing particularly on the new role of a state.

These short essays draw on the results of research conducted under the CEESA project. Please see [www.ceesa.de](http://www.ceesa.de) for documentation of research approach and results. More thorough discussions of the case studies and the comparative analysis are also forthcoming in the journal *Environmental Management*.

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# REGIONAL BEAT

## Europe

### Institutional Options for Irrigation: the Bulgarian Case

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During the transition period the irrigation water usage in Bulgaria declined by nearly 85% and many parts of the existing canal systems were abandoned. We review the roots of the problem and discuss possible institutional options to cope with the situation. The following determinants of institutional change are considered: features of transactions related to nature; characteristics of actors; governance structure; and property rights system. Data and information refer to interviews conducted in the Plovdiv region.

#### Determinants of Institutional Change

The existing irrigation systems in the Plovdiv region were designed to serve large water users, but after the land reform they are now supposed to serve many small farmers. The state remains the owner of water resources in the country, while the farmers have acquired users' rights. However, they have to pay a fee. The main canal systems and water reservoirs are owned by the state, but the property rights on canals bringing water to fields have become unclear. Only the main canals have been sufficiently maintained since land reform started. Low excludability and heterogeneity in water usage due to the land fragmentation are important factors.

The spectrum of actors who are involved in irrigation in the region is broad: many small agricultural producers close to retirement age with weakly developed cooperation among them; large commercial farmers; a state-owned firm (The Irrigation Company) which controls the main canals, thus having monopoly over the water supply; local representatives of the water firm collecting water fees; and, local municipalities which often mediate irrigation conflicts.

The water price is set by the state and as such is only weakly related to the delivery cost. The coordination mechanism is poorly developed at a local level. Regular monitoring of water consumption is reduced to the main canals. The conflict resolution mechanism is underdeveloped or missing entirely and sanctioning is ineffective.

#### Institutional Options

Four institutional options were investigated for their potential to solve the appropriation and provision problems.

(1) Local municipalities receive legal rights on the secondary canals and organize irrigation

This option will improve the appropriation and provision activities at a village level, but not the coordination between municipalities. There are further shortcomings: municipalities

may lack capacity, since they are not specialized in irrigation; agricultural producers (water users) are only indirectly involved in the decision making; and administrative boundaries rarely coincide with the irrigation system boundaries. The small farmers will likely support this option, but large farmers will resist since many of them have good relations with the water supplier. The Irrigation Company will support this option since it prefers to deal with a few larger water users rather than with many small farmers..

(2) Associations of water users receive legal rights on the secondary canals and organize irrigation at a distinct level of irrigation system.

The main advantages of this option are that the services are provided by a specialized organization, the water users are directly involved in decision-making, and that the water user associations (WUA) operate a distinctive part of the irrigation system. The success of the WUAs to solve the provision and appropriation problems depends on the development of supportive social structures. The small producers will give weak support as they have short planning horizon and lack organization capacity. The large producers will support the WUAs only if they make available resources for new investment. The behaviour of IC will be conditioned by two main considerations. The company has lower transaction costs if it sells water to large units, like the WUAs, but IC will be less co-operative if the WUAs increase their bargain power. Hence, IC will resist the concentration process of water user associations.

(3) Farmers participate in the Irrigation Company (IC) management.

The inclusion of farmers in the management of IC is a response to the market failure. The very large producers will support this option since they can participate directly and this will strengthen their position. Smaller farmers will have to find a way to elect representatives protecting their interests in the management board of IC. However, because of lack of organization capacity and social capital this might be very difficult, thus taking the advantage of this option might be very limited for smaller farmers

(4) Court procedures regarding water conflicts are simplified and improved

Improvement of the court procedure provides the actors with effective formal sanctioning mechanisms. Even in the case of self-governance, it is necessary the state to back up the group decisions. The small farmers will probably be indifferent to this option, while large producers may see in it a way to enforce the control over the operation of IC. The Irrigation Company will support the changes that help to sanction violators of water rules, but it will oppose the changes which increase its obligations, particularly, timely water delivery.



## Conclusions

This analysis suggests that the composition of the options that emerge will depend on the local conditions. The municipality could be a transitional option in villages with little social capital. WUA is better for villages with more social capital. Participation of farmers' representatives in the Irrigation Company management is attainable in areas with well-established organizations of small farmers. Finally, strengthening the external sanctioning mechanisms seems to be an important step for the success of any of the options.

# REGIONAL BEAT Europe

## Decentralised Land Protection: Difficulties for Local Administrations

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The Constitution of the Republic of Poland defines decentralization of public governance (Art. 15) as the enforcement of public interests that shall be done in a form of self-government. The process of decentralization in Poland started in 1989 with the establishment of county self-government. According to the Article 6 of the Act on local self-governance all local public matters be transferred to the competence of county self-government. The aim of the decentralization rests in a belief that a county government will respond better to the needs of local communities, create conditions for participation of inhabitants in county's life and better formulate and implement development priorities.

Two particular county objectives are relevant to land use:

- assurance of a spatial balance as regards land use and environment protection; and,
- maintenance and improvement of technical infrastructure in the county area.

## Decentralization and Land Conversion

County governments have a wide range of competencies as regards land conversion. First of all, they set a local plan for spatial development. This plan is a base measure for regulating the conversion of agricultural land plots in construction parcels. In the case of protected areas, such as national parks, reserves or landscape parks, the plan has to be negotiated with their respective administrations. There is a slightly different situation in the management and functioning of protected landscape areas. These areas do not have a separate body to administrate them since their main function is just to create corridors connecting the above-mentioned parks and nature reserves. These protected landscape areas/

corridors belong under the county administration, it is supposed to respect and enforce related environmental laws.

## County Politics of Land Conversion

Urbanization of rural space is considered positive for local development. The adverse effects, i.e., intensifying the withdrawal from agricultural land and loss of open space, are often neglected. This is particularly the case in areas around large, booming cities. County governments are motivated to promote the land conversion process, since they gain budget revenue. First, the gain results from the increase of the tax rate; i.e. from the low agricultural land tax to a higher real estate tax. Second, the tax revenue rises because the price of land rises. In addition, the inflow of urban people increases the revenue generated by personal income tax. These taxes are important for county budgets.

The present governance structure and the dramatic increase in land conversion are seen as positive. Local people do not consider the loss of agricultural land to cause irreversible landscape changes. Such attitudes support the level of land conversion planned by the local governments.

## Conclusion

The decentralization concerning the shift of decision-making to local self-government is of key importance to the process of land conversion. Local economic development is one of the basic tasks of self-governance at the county level. Therefore, local governments have acquired relatively substantial authority as regards local spatial planning, particularly in the decision-making on marking land for housing sites, shopping centres etc. Building suburban housing areas, shopping and industrial zones fits with the objective of self-government to promote economic growth of counties. Despite the fact that the county government is responsible for implementation/enforcement of environmental legislation on land fund protection, the economic short-term benefits often outweigh environmental considerations, which are then set aside.

Our research in suburban areas of Warsaw and Olsztyn found a much higher rate of land conversion around Warsaw. The difference was not due to higher environmental awareness by the Olsztyn government. It was a result of a higher differential between the price offered for the construction parcels and the agricultural land price.

It is obvious that with increasing land conversion the social/environmental value of the remaining agricultural land goes up. In my opinion, it is not necessary to take back the authorization of the counties as regards land conversion, rather it will be important to develop a mechanism in which the environmental value of land can be appraised and required to be taken into consideration when decisions on land conversion are made. It might be also useful to compensate landowners as well as counties for maintaining agricultural land.

# REGIONAL BEAT

## Europe

### **Sustainable Agriculture and Biodiversity: The Case of the White Carpathians**

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**Jaroslav Praan, Tom Ratering**

**VÉZE Praha, Czech Republic**

This short paper is about sustainable land management in marginal mountain and foot hill areas, which are often protected for their landscape and biodiversity values. Historically, low intensity farming on poor soil maintained the richness of the wildlife and the diversity of the landscape. Collectivisation in the 1950s and the intensification of agriculture threatened the areas' natural values. To curb some of these adverse effects, Protected Landscape Areas were established in the 1970s and 1980s.

The overthrow of Communism in 1989 and the subsequent political and economic changes have led to both a sharp economic decline and major structural adjustments in agriculture. Whilst these changes have resulted in reduced pressures on the natural environment, they have also led to the extensive withdrawal of land management practices that are essential to the maintenance of landscape and biodiversity. The available nature protection policy measures and approaches, however, were not appropriate to these new threats, being rather blunt controls over the intensity of production.

A case study was conducted in the White Carpathians, a mountainous area in east Moravia on the border with Slovakia. The case study has wider relevance beyond the White Carpathians. Land abandonment or neglect poses a threat to the maintenance of biodiversity and landscapes in marginal areas across many parts of Central and Eastern Europe.

Decollectivisation and land restitution have left a dual farming structure. A few large farms over 500 ha occupy almost half of the agricultural land; while 99 per cent of farms are under 10 ha and together account for about a third of the agricultural area. Survey evidence suggests that smaller farms, often producing only for direct consumption, are deeply committed to the landscape. The large commercial farms, in contrast, are very profit oriented.

#### **Environmental and Agricultural Governance**

In Protected Landscape Areas, all land as well as all activities affecting nature are subject to legal control operated by the local administration of the Protected Landscape Area (LA PLA). The legislation allows for both direct regulation and contracting conservation activities. The instruments are specified in the Management Plan which the LA PLA is obliged to elaborate.

The original legislation did not provide for compensation for the restrictions imposed in PLAs. However, following the problems that have arisen with the idling and abandonment of land in PLAs, subsequent agricultural legislation allows for compensation for regulatory restrictions imposed in PLAs.

More extensively, the Ministry of Agriculture (MoA) subsidises the protection of landscape and biodiversity. The actual implementation is closer to a direct income support with cross compliance than to a management contract. Payments from MoA are coupled to cattle and sheep production. The effect of this is to favour the larger operators over the smaller owners.

In principle the policies of the Ministry of Agriculture and the Ministry of Environment (MoE, which oversees the LA PLA) for protected areas are complementary. MoA support is based on mandatory flat rate payments, while the MoE sets restrictions and offers management contracts targeted to particular conservation objectives. However, a number of factors frustrate practical integration. The LA PLA find it difficult to take into account agricultural support programs because these change almost annually and they are not specifically tailored to the Management Plan of the PLA. Farmers cannot receive both MoA compensatory payments and MoE contracts, and because the former are automatic and are allocated earlier in the year, farmers tend to go for them even though the MoE contracts are more rewarding (but uncertain). This generally reflects a lack of coordination between the two ministries. The consequence is to reduce the capacity of the LA PLA to coordinate targeted actions (site specific treatments) with common grassland maintenance.

In the funding uncertainty and lack of coordination between Ministries a lot depends upon the efforts of LA PLA staff to keep the farmers' trust and to overcome gaps in policy coordination. This would not have been achievable without the mediating role of NGOs. Of particular significance in the White Carpathians has been the Information Centre of Moravke Kopanice (ICMK). Although conservation concerns are in the accord with these of the LA PLA, the approaches differ in the sense that ICMK wants first to make farming possible and sustainable in the area. ICMK sees the future sustainability of local agriculture in internalizing high natural values in "food and fibre" products. This is not without problems, ICMK has found it difficult to identify the target group of consumers. Underdeveloped tourism and lack of loyalty from local consumers have caused that ICMK as well as farmers look to far away urban markets, but without sufficient knowledge or experience of how to penetrate those markets.

#### **Attitudes toward Conservation**

Each coordinating actor concentrates on a particular issue in the sustainable development. The LA PLA focusses natural values for global society, while ignoring local inhabitants. The MoA emphasizes maintaining farmers in the region, which



requires a compromise between economic and conservation interests. Local mayors emphasize the rights of the local community to nature and the landscape, arguing for a structure encouraging and rewarding the small local land users and owners for their contribution to conservation. In general, commercial farmers have exhibited their willingness to provide landscape and biodiversity, subject to their need to make a minimal living. Obviously, a round table is needed.

## REGIONAL BEAT Europe

### Thoughts on the Role of the State in Resource Governance

Thomas Sikor

Humboldt University, Berlin, Germany

The loss of traditional landscapes, deterioration of biodiversity, and the decay of irrigation infrastructure are major environmental problems affecting rural Central and Eastern Europe today. The nature of these problems is different from the ones prevalent in rural areas of the developing world. The protection of rural environments in Central and Eastern Europe depends on active human management. For example, the preservation of rare flora on the region's marginal lands depends on the continuation of extensive animal husbandry. Moves to terminate grazing or shift to cultivation would result in the loss of the species to be protected. Farmers, therefore, play a crucial role in rural environmental protection in Central and Eastern Europe. Farming often increases environmental value, if farmers employ appropriate practices.

Postsocialist privatization largely followed a model of rural environmental management that combines individual rights to agricultural assets with state rights to environmental resources. It is widely known that privatization affected a broad shift in rural property rights from the state and collective units to private entities. This shift included both a change in the right holders and an extension of the rights accorded to private entities. It is less known, however, that privatization also included provisions for the protection of wider interests in the rural environment. Property reforms reserved ownership of key natural resources, such as water, to the state. The new legislation also connected farmers newly acquired rights to land with the obligation to follow codes of good agricultural practice for the preservation of rural environments. Property reforms, therefore, divided rights to rural resources, giving farmers control over agricultural assets while at the same time protecting wider interests in rural environments.

Yet case study research suggests that property rights-in-practice, i.e., *de facto* rights are radically different from *de jure* rights. Private rights-in-practice often replace legal state

control over natural resources. For example, Penov shows in his study of Bulgarian farmers that they breach irrigation canals to extract water illegally. Krupalova and Prazan discuss how farmers claim compensation payments for practices that Czech legislation requires them to apply without any entitlement for compensation. Wasilewski shows that Polish farmers sell agricultural land for residential development, despite the existence of land use regulations and zoning laws to the contrary. Rural property rights-in-practice, therefore, reflect a trend of 'extra-legal privatization'. Private actors are able to extend their control over land and other rural resources beyond the level foreseen in legislation, to the detriment of wider interests in rural environments. 'Extra-legal privatization' is not the outcome of any concerted action, but it is the result of intense negotiations at the local level, in which private actors assert claims to assets and reject responsibility for duties.

What explains the discrepancy between legal rights and rights-in-practice? The gap appears to be associated with the nature of political systems in postsocialist Central and Eastern Europe. The discrepancy between legal rights and rights-in-practice is smaller in consolidated political systems, i.e., those systems in which power and authority are negotiated and exercised through the state. For example, the state possesses the power to formulate and implement agricultural and environmental policy. Farmers in the White Carpathians, therefore, employ practices for grassland management that preserve the rare orchids. The discrepancy is larger in fragmented political systems, i.e., those systems where the location of power and authority is diffuse. For example, the political system discussed by Penov does not include generally recognized fora for the negotiation and exercise of power and authority, neither in form of the state nor through social structures at the local level ("communities"). Theft of irrigation water and even equipment is, therefore, a common event.

These results suggest a role for the state in resource governance. The role is different from the one assumed by the state in the socialist past, as the state did not do well as a legal owner or direct manager of rural resources. The state should actually devolve legal rights on resources to capable social structures at the local level, if those exist. Yet the state seems to have a role in the enforcement of legal property rights, including monitoring, sanctioning, and conflict resolution. Enforcement does not only reduce the gap between legal rights and rights-in-practice but it also strengthens the combination of rights on resources with obligations. The results, therefore, suggest a role for the state as the creator and protector of rights, including individual, collective and state rights. Resource governance requires the consolidation of political systems, in the form of states that do not only create legal property rights but also ensure their significance in practice.

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Charlotte Hess

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## ANNOUNCEMENTS

**Send Letters and Announcements** to Doug Wilson, Editor, CPR Digest, The Institute for Fisheries Management, North Sea Center, PO Box 104, DK-9850, Hirtshals, Denmark. dw@ifm.dk Tel: 45 98 94 28 55 Fax:: 45 98 94 42 68

**For membership, dues, back issues, and missing copies** Michelle Curtain, P.O. Box 2355 Gary, IN 46409 USA Tel: 01-219-980-1433 Fax:: 01-219-980-2801 iascp@indiana.edu

**For questions** about IASCP papers and research, contact Charlotte Hess, Information Officer, IASCP, 513 N. Park, Bloomington, IN 47408 USA iascp@indiana.edu Tel: 01-812-855-9636 Fax:: 01-812-855-3150

### Upcoming IASCP Meetings

Meeting: IASCP2004, The 10th Biennial Conference of the IASCP

Dates: June, 2004

Location: Oaxaca, Mexico

Coordinator: Leticia Merino, lmerino@servidor.unam.mx

Meeting: The Northern Commons

Location: Anchorage, Alaska USA

Dates: August, 2003

Coordinator: Mead Treadwell, mal@gci.net

Meeting: Politics of the Commons

Location: Chiang Mai, Thailand

Dates: July 25- July 28, 2003

Coordinator: Chusak Wittayapak, chusak@soc.cmu.ac.th

Meeting: Pacific Regional Meeting

Location: Brisbane, Australia

Dates: September, 2003

Coordinator: John Sheehan, qld@propertyinstitute.com.au

Meeting: Latin America Biennial Conference Preparation and Workshop

Location: Oaxaca, Mexico

Date: May 16, 2003

Coordinator: Leticia Merino, lmerino@servidor.unam.mx

Meeting: The Commons in Transition

Location: Prague, Czech Republic

Date: 11-13 April, 2003

Coordinator: Tómas Ratering, commons@vuze.cz

### *Latin America Biennial Conference Preparation and Workshop*

A workshop will be held in Oaxaca Mexico on May 16, 2003. The goal is to bring in individuals from the surrounding Latin American countries who would be actively involved in mobilizing participants for IASCP2004. The purpose of the workshop would be for individuals to share the work they are doing related to the conference themes.

**THE COMMONS IN TRANSITION:**  
*property on natural resources in  
Central and Eastern Europe and the Former  
Soviet Union*

A workshop co-organized by: the Institute for Agricultural Economics (VUZE), Prague; the Czech Agricultural University, Faculty of Economics and Management, Prague; the International Association for the Study of Common Property (IASCP); and Humboldt University Berlin

**Background**

Research on property reforms in Central and Eastern Europe (CEE) and the Former Soviet Union (FSU) has concentrated on the establishment of effective private property rights. The research has been informed by rather simplistic notions of property. Much research has equated property rights with ownership, ignoring the multiplicity of property rights and duties. Similarly, the research has been characterized by a stark dichotomy between state and private property, neglecting the role of intermediate property forms. These simplistic notions continue to dominate discussions on property issues in CEE and FSU until today. Exploratory research conducted under the framework of the project Sustainable Agriculture in Central and Eastern Europe (CEESA) demonstrates the benefits of a more differentiated concept of property to research on natural resources. Its findings demonstrate a drastic difference in the effectiveness of private rights, on the one hand, and collective and public rights in common-pool resources. The waning and decentralization of state power have caused the emergence of significant gaps between property legislation and rights in practice. Mostly due to a lack enforcement of existing legislation, but partly due to the absence of legislation as well, public and collective interests in resource management have been marginalized in favor of private ones.

**Objectives of the workshop**

The workshop has two primary objectives. The first is to explore state of research about property on natural resources in CEE and FSU. The second is to stimulate research about property on natural resources in the region through exchange of experience with other regions, the discussion of an agenda for research and exchange and, (possibly) the development of a concrete proposal for research and exchange.

**Themes**

The workshop organizers would like to suggest four themes to guide the discussions at the workshop.

A. Local self-governance: Local self-governance has been a prominent theme in research on resource management across the world. It is therefore interesting to examine contemporary and historical forms of self-governance and explore its potential for resource management in CEE and FSU.

B. Multifunctionality of rural production: Rural resources provide multiple good and services to people in CEE and FSU. This theme therefore wants to explore the utility of property and common-pool resource theory to diversified rural resource systems providing private, common-pool, and public goods.

C. Changing role of the state in rural resource governance: Direct state management has been the primary mode of resource governance during socialism. Postsocialist resource governance radically departs from this model, in theory and practice. This theme therefore explores the changing role of the state in postsocialist resource governance.

D. The (re-)definition of collective and public interests in natural resources: This theme therefore focuses on the processes by which collective and public interests in natural resources are formed and resource use problems are defined.

**Workshop Venue**

The workshop will take place on 11-13 April 2003 at Czech Agricultural University in Prague. Kamycka 129, 165 21 Praha –6, Czech Republic

**Participants**

The participants will include researchers from within and outside CEE and FSU who have conducted research on property issues in CEE or FSU. As a rule, each participant will be expected to contribute to the workshop actively, by submitting a paper, serving as a discussant, or providing a thematic overview. The number of participants will be kept at 20 persons to facilitate the exchange of experience and group discussion.

Interested persons are requested to submit an expression of interest and a short abstract of the proposed contribution (up to 150 words) to Dr. Tomas Ratinger ([commons@vuze.cz](mailto:commons@vuze.cz)) by January 20, 2003. They will be informed about the acceptance of their proposal by January 31, 2003. Complete papers will be due by April 1, 2003, to be distributed to the discussants and all participants before the workshop.

Participants will be expected to cover their own travel costs. The costs of accommodation and food in Prague will be kept to a minimum to facilitate broad participation. Participants will be offered accommodation in the guest house of Czech Agricultural University at a rate of 10 - 20 EUR per night. Also meal will be available in the university dining room or canteens.

**Preliminary program**

The program will consist of two main parts. The participants will discuss the contributed papers in three panels in the first part. Each panel will begin with comments by a discussant from IASCP on the papers, followed by an open group discussion. *Participants will be required to read the papers beforehand, as those will not be presented at the workshop.* The second part consists of facilitated group discussions and work in small group. It aims at the exchange of ideas for research and exchange, plans for the coordination of activities, and the development of an agenda for research and exchange.

**Friday PM:**

Welcome and introduction

Thematic overviews

Common-pool resources in CEE and FSU: what are we talking about?

Privatization and understandings of property in CEE and FSU

Property relations in CEE and FSU. :

Panels A - C (group discussions of papers through Sat. AM)

**Saturday PM:**

Facilitated discussion of research and dissemination issues and plans

**Sunday AM**

Work in small groups on agendas for research and dissemination

Group discussion of research agendas prepared in small groups

Group discussion on next steps

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**Politics of the Commons:  
Articulating Development and  
Strengthening Local Practices**

**Chiang Mai, Thailand July 11-14, 2003**

[rcsd-con@soc.cmu.ac.th](mailto:rcsd-con@soc.cmu.ac.th) [www.rcsd.soc.cmu.ac.th](http://www.rcsd.soc.cmu.ac.th)

The RCSD Politics of the Commons: Articulating Development and Strengthening Local Practices international conference aims to encourage discussion, debate and exchange about political change and critical processes affecting the commons in South and Southeast Asia. Academics and social activists will engage in a critical dialogue focusing on the current situation of resource politics in the region. Participants are expected to present papers and actively participate in discussion forums that adequately address the 'Politics of the Commons'. Panel discussions and roundtable sessions will draw the panel issues together articulating the impact of development on the commons while identifying means to strengthen local practices. The Regional Center for Social Science and Sustainable Development (RCSD), Faculty of Social Sciences, Chiang Mai University, Thailand, is the local host of the conference with organizational support from the Australian

Mekong Resource Center (AMRC) and the York Center for Asian Research (YCAR), and the International Association for the Study of Common Property (IASCP). Funding Organizations: Rockefeller Foundation; Rockefeller Brothers Fund; Heinrich Boell Foundation; Interchurch Organisation for Cooperation and Development

### Conference Structure

The conference is structured to elicit debate and discussion. In order to achieve optimal time use integrating paper presentations and discussion there are six formats during the three-day conference.

**1. Keynote Address:** Nancy Lee Peluso, Director, Berkeley Workshop on Environmental Politics, University of California, Berkeley

**2. Plenary Sessions:** Three plenary sessions are designed to bridge the thematic panel sessions and provide a local, regional and international perspective on a particular issue.

a. Politics of the Commons: Bhichet Maolanondh, Kobe University; Peter Riggs, Rockefeller Brothers Fund; K.

Sivaramakrishnan, University of Washington (to be confirmed)  
b. Ethnicity, Identity and Right to Development: Zawawi Ibrahim, University of Malaya Sarawak; Oscar Salemink, Vrije Universiteit; Pamela McElwee, Yale University

c. Commons Thinking for Policy: Good Governance and Devolution: Antonio Conteras, De La Salle University; Jesse C. Ribot, World Resource Institute; Bob Fisher, University of Sydney; Srisuwan Kuankachorn, SPACE

### 3. Panel Presentations

Five themes are presented to shape the direction of the conference. Panels will be coordinated within each theme according to accepted papers. Participants are encouraged to submit individual papers that either fit into the stated themes and/or cut across the general conference theme. Each panel will be limited to 3-4 paper presentations leaving time for discussion and debate. Please email directly to theme coordinators with specific inquiry about the panel themes and paper topics (coordinator emails are listed with correspondence information).

**Theme One:** *Situating the Commons in Post-colonial and (Post)-socialist Thinking/Articulation.* Coordinators: Chayan Vaddhanaphuti, Chiang Mai University; Pinkaew Laungaramsri, Chiang Mai University; Janet Sturgeon, Brown University

**Theme Two:** *Trans-nationalizing the Commons and the Politics of Civil Society.* Coordinators: Santita Ganjanapan, Chiang Mai University Philip Hirsch, University of Sydney

**Theme Three:** *Local Voices in the Globalizing Market: Cultural Diversity and Pluralism* Coordinators: Anan Ganjanapan, Chiang Mai University; Yos Santasombat, Chiang Mai University; Somchai Preechasilapakul, Chiang Mai University;

**Theme Four:** *Politics of Tenure Reform* Coordinators: Jamaree Chiengthong, Chiang Mai University; Peter Vandergeest, York University

**Theme Five:** *Crisis and Access: Critical Times for the Commons* Coordinators: Chusak Wittayapak, Chiang Mai University; Louis Lebel, Chiang Mai University

### 4. Roundtable and Open Forum

The second afternoon is roundtable sessions and an open forum.

**Roundtable Sessions:** *The Mekong Commons: Past, Present and Future* Chair: Phillip Hirsch, Australian Mekong Resource Centre, University of Sydney; *The Social Making of Space and Territory Through Processes of State Formation and Social Struggle* Chair: Chayan Vaddhanaphuti, Chiang Mai University; Thomas Sikor, Humbolt University, Berlin; Nancy Lee Peluso, University of California, Berkeley; Janet Sturgeon, Brown University; Peter Vandergeest, York University; Robin Roth, Clark University Chusak Wittayapak, Chiang Mai University

**Open Forum:** After the roundtable sessions an open forum lecture on a key policy initiative will be held. This session is open to the public; local media and NGOs will be invited. This session will

inform the public about the conference, as well as provide an opportunity for non-academic interests to participate.

**5. Synthesis:** Theme coordinators will hold a final synthesis session moderated by Louis Lebel, Chiang Mai University.

**6. Concluding Remarks:** The conference will conclude with closing remarks by senior scholars: Rosalia Sciortino, Regional Representative for Southeast Asia, Rockefeller Foundation Southeast Asia; Charles F. Keyes, University of Washington, Seattle; ;Yos Santasombat, Chiang Mai University

### Paper and Panel Proposals

Committee members and panel coordinators will select papers in a competitive review of abstracts. Abstracts are accepted based on quality and appropriateness to the conference. Interested participants are encouraged to submit an abstract on their topic of expertise that will be suitable for discussion and debate with emphasis on South and Southeast Asia, even if it does not necessarily fit in the stated thematic panel. Accepted paper presentations from South and Southeast Asia will receive funding for travel, accommodation and conference fees. Field trips and honorariums are not covered. Accepted papers and funding recipients will be announced after March 15, 2003. Abstracts and registration forms must be received by February 15, 2003 to be considered for funding.

Panel proposals will be slotted into one of the 20 panel theme sessions according to appropriate theme. The committee requests that panel proposals are limited to 2-3 papers (maximum 4). Panel proposals should include an abstract for each paper. Please limit the panel topic to conference theme and/or area studies (South and Southeast Asia). Funding for panel proposals will be considered in the same group as paper presentations and considered according to individual abstracts in each panel proposal. Panel proposals and individual abstracts must be received by January 31, 2003 to be considered for funding.

### Optional Field Trip

An optional field trip will be organized for the fourth day (July 14, 2003). Field trips will enable participants to interact with local people and NGOs focusing on land, water or forest issues. Those who want to participate must sign up during registration or by the end of the 2nd conference day. Field trips are not covered by the conference. A nominal fee will be charged for transportation and meals.

### Important Dates

January 31, 2003	Deadline for panel proposals
February 15, 2003	Deadline for abstract submission
March 15, 2003	Announce paper selections and funding
April 15, 2003	Third Announcement
May 15, 2003	Deadline for paper submission
June 15, 2003	Distribution of abstracts to participants
July 11-13, 2003	Politics of the Commons conference
July 14, 2003	Optional field trip

**Correspondence:** RCSD Conference Secretariat, Regional Center for Social Science and Sustainable Development (RCSD) Faculty of Social Sciences, Chiang Mai University, Chiang Mai, 50200 THAILAND. Tel: 66-53-943595 Fax : 66-53- 943596 **Panel Coordinator Emails** Theme One: Chayan Vaddhanaphuti [ethnet@loxinfo.co.th](mailto:ethnet@loxinfo.co.th). Pinkaew Laungaramsri [pinkaew@soc.cmu.ac.th](mailto:pinkaew@soc.cmu.ac.th). Janet Sturgeon [Janet\\_Sturgeon@brown.edu](mailto:Janet_Sturgeon@brown.edu). Theme Two: Santita Ganjanapan [santita@chiangmai.ac.th](mailto:santita@chiangmai.ac.th) Philip Hirsch [Hirsch@mail.usyd.edu.au](mailto:Hirsch@mail.usyd.edu.au) Theme Three: Anan Ganjanapan [anan-g@chiangmai.ac.th](mailto:anan-g@chiangmai.ac.th) Yos Santasombat [santasombat@yahoo.com](mailto:santasombat@yahoo.com) Somchai Preechasilapakul [psomchai@soc.cmu.ac.th](mailto:psomchai@soc.cmu.ac.th) Theme Four : Jamaree Chiengthong [jamaree@soc.cmu.ac.th](mailto:jamaree@soc.cmu.ac.th) Peter Vandergeest [pvander@YorkU.ca](mailto:pvander@YorkU.ca) Theme Five: Chusak Wittayapak [chusak@soc.cmu.ac.th](mailto:chusak@soc.cmu.ac.th) Louis Lebel [llebel@loxinfo.co.th](mailto:llebel@loxinfo.co.th)



August 2003 Sustainable Development Workshop

Anchorage, Alaska

The Northern Commons:
Lessons for the world,
Lessons from the world

Hosted by The Institute of the North, a division of Alaska Pacific University and The Northern Forum in conjunction with IASCP

To follow upon the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa, the Institute of the North and the Northern Forum will host a 2003 academic and governmental workshop on methods for managing the vast, commonly-or publicly - owned lands, waters, wildlife, mineral and other natural resources of Northern reaches of North America, Europe and Asia.

The Northern Forum, founded in 1992, is a UN-recognized NGO made up of 25 regional governments that face similar opportunities and challenges throughout the North. It is a permanent observer to the Arctic Council. The Institute of the North, founded by Northern Forum Secretary General, former Alaska Governor and U.S. Interior Secretary Walter J. Hickel, conducts research and teaching in Northern regional, national and international strategy, focusing on the obligations of common ownership of resources, lands and seas.

The Northern Forum and the Institute of the North invite applications for the presentation of papers, and further co-sponsorship of the conference. For more information contact: Cindy Roberts, mbroberts@gci.net, (907) 343-2457 or see www.institutenorth.org.

International Conference on Rural Livelihoods, Forests and Biodiversity

26-30 May 2003, Bonn, Germany

An international conference on the role of forests in supporting rural livelihoods in developing countries and on the maintenance of biodiversity. Key objectives are to survey current knowledge and identify policy lessons and a future research strategy.

Organised by Center for International Forestry Research (CIFOR), in collaboration with Germany's Ministry of Economic Cooperation and Development (BMZ), the German Foundation for International Development (DSE) and Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ).

For further information please visit official conference website at: http://www.cifor.cgiar.org/livelihoodconference.asp

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